

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILLIAM FARRAN, BARBARA FARRAN, ) Case No.: 2:11-cv-01298-GMN-VCF  
 )  
 Plaintiffs, ) **ORDER**  
 vs. )  
 )  
 CAROL KARLEN, KENNETH FLYNN, )  
 )  
 Defendants. )  
 )

Before the Court is Plaintiffs William Farran and Barbara Farran's Motion to Remand (ECF No. 12).

Plaintiffs filed suit in the Eighth Judicial District Court, Clark County, Nevada, on April 30, 2010, Case No. A-10-615527-C. At the time Plaintiffs filed their Complaint, diversity jurisdiction did not exist because Defendant Kenneth Flynn is a resident of the State of Nevada. On August 10, 2011, the state district court dismissed Kenneth Flynn as a party in this matter. Defendants subsequently filed a Notice of Removal within thirty (30) days after receipt of the Order dismissing Kenneth Flynn basing subject matter jurisdiction on diversity of citizenship, 28 U.S.C. §1332.

28 U.S.C. § 1446(b) provides for the procedure for removal. It provides in pertinent part:

If the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant . . . [an] order or other paper from which it may first be ascertained that the case is one which is or has become removable **except that a case may not be removed on the basis of jurisdiction conferred by section 1332 of this title more than 1 year after commencement of the action.**

28 U.S.C. §1446(b)(emphasis added).

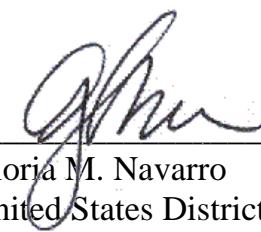
The Notice of Removal was filed on August 11, 2011, more than one (1) year after the

1 commencement of the action. Accordingly the removal was improper and this case shall be  
2 remanded to state court.

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Remand (ECF No. 12) is  
4 **GRANTED** for the reasons stated herein.

5 **IT IS FURTHER ORDERED** that this matter is **REMANDED** to the Eighth Judicial  
6 District Court, Clark County, Nevada. The Clerk is directed to close this case.

7 **DATED** this 16th day of February, 2012.

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11 Gloria M. Navarro  
12 United States District Judge  
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